United Nations A/ES-10/375–S/2007/1

General Assembly
Security Council

Distr.: General
3 January 2007

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-second year

Identical letters dated 2 January 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

On 26 December 2006, the Government of Israel announced its plans to construct a new illegal settlement in the Occupied Palestinian Territory, including East Jerusalem, namely in the Jordan Valley of the West Bank. The announcement of this unlawful plan is particularly alarming because it is indicative of the occupying Power's continued disdain for international law and the will of the international community. Moreover, Israel's continued colonization of Palestinian land and settler colonialism is also further destroying the vision of two States living side by side in peace and security, based on the 1967 borders.

The recent approval of the new illegal settlement by the occupying Power intends to house 30 families that originally inhabited the illegal settlement of Gush Katif in the Gaza Strip prior to Israel's unilateral exit from the Gaza Strip in 2005. This is clearly part of the occupying Power's revolving door policy vis-à-vis the illegal settlements in the Occupied Palestinian Territory. In other words, the removal of illegal settlers, such as in the Gaza Strip, has transpired in their relocation to other illegal settlements in the West Bank. This is the same as when an illegal outpost is vacated in one place and the authorization of the expansion of another illegal settlement occurs elsewhere.

In his last meeting with President Mahmoud Abbas, Israeli Prime Minister Ehud Olmert announced his commitment not to undertake any unilateral action that would predetermine the final status negotiations. During the same meeting, he announced a series of promises, including the release of Palestinian detainees before the Holy Eid festivities as well as the lifting of some of the over 500 Israeli checkpoints suffocating the West Bank and isolating its villages, cities, and refugee camps from one another. These promises are yet to be fulfilled and some, like the release of Palestinian detainees, have been reversed. More alarming, the announcement of the construction plan of yet another illegal settlement in the West Bank deals a severe blow to any hope for resumed talks and puts into question the

07-20097 (E) 040107

true intentions of Israel, the occupying Power, as well as its degree of commitment towards peace.

It is important to recall that such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. This fact was confirmed by the International Court of Justice in its Advisory Opinion of 9 July 2004, which determined, inter alia, that the Israeli settlements have been established in breach of international law. Indeed, article 49 of the Fourth Geneva Convention — the applicability of which has been reaffirmed by the Security Council and by the International Court of Justice as well — unambiguously stipulates that "The Occupying Power shall not deport or transfer parts of its own civilian population in to the territory it occupies". Moreover, article 85 (4) of Protocol I Additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Furthermore, this announcement is in complete defiance of the Road Map for peace, which was endorsed by Security Council resolution 1515 (2003) as well as other Security Council resolutions, in particular resolution 465 (1980). Hence, the obligations of the United Nations and the Security Council are clear. The construction of this planned illegal settlement, due to start in the coming two weeks, must be condemned and halted. Moreover, the international community must reiterate its call upon Israel, the occupying Power, to abide by all of its legal obligations under international law, including international humanitarian law and human rights law, and must act decisively in case of continued non-compliance.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations